

Amendments to House Bill No. 156  
1st Reading Copy

Requested by Representative Wayne Stahl

For the House Local Government Committee

Prepared by Joe Kolman  
January 27, 2009 (1:49pm)

1. Title, page 1, line 5.

**Following:** "REGULATIONS;"

**Insert:** "ALLOWING A 10-DAY PERIOD TO BRING A VIOLATION INTO COMPLIANCE;"

2. Title, page 1, line 8.

**Following:** "SECTIONS"

**Insert:** ", 76-2-113, 76-2-210,"

**Following:** "76-2-211"

**Insert:** ", 76-2-308,"

3. Page 1.

**Following:** line 18

**Insert:** "Section 2. Section 76-2-113, MCA, is amended to read:

"76-2-113. **Enforcement of zoning provisions.** (1) If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if any building, structure, or land is used in violation of this part or of any resolution adopted under this part, the county, in addition to other remedies, may take any appropriate action or begin proceedings to:

(1)(a) prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;

(2)(b) restrain, correct, or abate a violation;

(3)(c) prevent the occupancy of a building, structure, or land; or

(4)(d) prevent any illegal act, conduct, business, or use in or near the premises.

(2) The county shall attempt to obtain voluntary compliance at least 10 working days before filing a complaint for a violation of this part that is subject to the penalties under [section 1]."

{Internal References to 76-2-113: None.}"

**Insert:** "Section 3. Section 76-2-210, MCA, is amended to read:

"76-2-210. **Enforcement of zoning provisions.** (1) ~~In case If~~ any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this part or of any resolution ~~made under authority conferred hereby~~ adopted under

~~this part, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings to:~~

~~(a) prevent such the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to~~

~~(b) restrain, correct, or abate such a violation; to~~

~~(c) prevent the occupancy of such the building, structure, or land; or to~~

~~(d) prevent any illegal act, conduct, business, or use in or about such near the premises.~~

(2) The county shall attempt to obtain voluntary compliance at least 10 working days before filing a complaint for a violation of this part that is subject to the penalties under 76-2-211.

~~(2)(3) The board of county commissioners may appoint enforcing officers to supervise and enforce the provisions of the zoning resolutions."~~

~~{Internal References to 76-2-210: None.}"~~

**Renumber:** subsequent sections

4. Page 1.

**Following:** line 26

**Insert:** "Section 5. Section 76-2-308, MCA, is amended to read:

**"76-2-308. Enforcement of zoning regulations and ordinances.** (1) The city or town council or other legislative body may provide by ordinance for the enforcement of this part and of any regulation or ordinance ~~made thereunder~~ adopted under this part.

~~(2) In case any If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this part or of any ordinance or other regulation made under authority conferred hereby adopted under this part, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to:~~

~~(a) prevent such the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to~~

~~(b) restrain, correct, or abate such a violation; to~~

~~(c) prevent the occupancy of such the building, structure, or land; or to~~

~~(d) prevent any illegal act, conduct, business, or use in or about such near the premises.~~

(3) The municipality shall attempt to obtain voluntary compliance at least 10 working days before filing a complaint for a violation of this part that is subject to the penalties under 76-2-315."

~~{Internal References to 76-2-308:~~